

John W. Goodwin Jr. Construction)	Departmental
Hancock County)	Findings of Fact and Order
Lamoine, Maine)	Air Emission License
A-730-71-B-R)	

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

John W. Goodwin Jr. Construction, of Lamoine, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their portable crushed stone and gravel facility.

B. Emission Equipment

Goodwin Construction is authorized to operate the following equipment:

Rock Crusher:

<u>Designation</u>	<u>Powered</u>	<u>Process Rate</u>	<u>Control Device</u>	<u>Date of Manufacture</u>
Crusher	Diesel Unit #1	150 ton/hr	Water sprays	1986

Insignificant Emission Units:

<u>Unit #</u>	<u>Firing Rate (gal/hr)</u>	<u>Maximum Capacity</u>
Diesel Unit #1	2.5	0.35 MMBtu/hr
Diesel Unit #2	3.5	0.45 MMBtu/hr
Screening Unit	--	100 cu. yd/hr

Diesel Units #1 and #2 and the Screening Unit are considered insignificant activities pursuant to Appendix B of MEDEP Chapter 115, and are listed for inventory purposes only.

C. Application Classification

The application for Goodwin Construction does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of current licensed emission units only.

II. BEST PRACTICAL TREATMENT (BPT)

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

A. Rock Crusher

The portable rock crusher was manufactured in 1986 with a rated process weight of 125 – 150 tons per hour. The crusher is therefore **not** subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983 and with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

To meet the requirements of BPT for control of particulate matter (PM) emissions from the rock crusher, Goodwin Construction shall control visible emissions to no greater than 10% opacity on a six (6) minute block average by maintaining and operating water sprays as needed for particulate control.

B. Stock Piles and Roadways

BPT for all potential sources of fugitive PM emissions, including material stockpiles and unpaved roadways, shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 20% opacity, except for no more than five minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen second opacity observations which exceed 20 percent in any 1-hour.

III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Based on the above total facility emissions, Goodwin Construction is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-730-71-B-R subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.

- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
 - (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - b. pursuant to any other requirement of this license to perform stack testing.
 - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
 - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

(16) Rock Crushers

- (i) Goodwin Construction shall operate and maintain water sprays as needed for particulate control on the rock crusher. Visible emissions from the crusher shall not exceed 10% opacity on a six (6) minute block average.
- (ii) Goodwin Construction shall maintain a log detailing the downtime and maintenance activities routine or otherwise, on the water sprays. The maintenance log shall be located at the facility whenever the facility is in operation.
- (iii) Goodwin Construction shall maintain a log detailing and quantifying the hours of operation on a daily basis for the rock crusher. The operation log shall be located at the facility whenever the facility is in operation.

(17) Stockpiles and Roadways

Potential sources of fugitive PM emissions including material stockpiles and unpaved roadways shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 20% opacity, except for no more than five minutes in any 1-hour period. Compliance shall be demonstrated by an aggregate of the individual fifteen second opacity observations which exceed 20 percent in any 1-hour.

(18) Equipment Relocation

- (i) Goodwin Construction shall notify the Bureau of Air Quality, by a written notification at least 10 days in advance, prior to relocation of any equipment carried on this license. The notification shall be sent to:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location and the license number pertaining to the relocated equipment.

- (ii) Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

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Hancock County
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Departmental
Findings of Fact and Order
Air Emission License

- (19) Goodwin Construction shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.
- (20) Goodwin Construction shall pay the annual air emission license fee within 30 days of May 31 of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3.
- (21) The term of this Order shall be for five (5) years from the signature below.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 10, 2003

Date of application acceptance: April 16, 2003

Date filed with the Board of Environmental Protection: _____

This Order prepared by Rachel E. Pilling, Bureau of Air Quality